

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 28540 of 2003(V)

PETITIONER:

**P.M.DEEPAK S/O. MOHANDAS,
PANIKKASSERY HOUSE, P.O.NJANGATTIRI,
PATTAMBI, PALAKKAD DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT OFFICER
(TAXATION OFFICER), PALAKKAD.**
- 2. THE SUB INSPECTOR OF POLICE,
PATTAMBI POLICE STATION, PATTAMBI,
PALAKKAD DISTRICT.**

BY GOVERNMENT PLEADER SRI.C.K.GOVINDAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.28540/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REGISTRATION CERTIFICATE IN RESPECT OF VEHICLE KL-9/L. 1670.

EXT.P2:- COPY OF THE CHARGE MEMO NO.C6/6339/03/P DT.24.2.03 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER .

EXT.P3:- COPY OF THE REQUEST DT.2.6.03 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 28540 OF 2003-V

JUDGMENT

The petitioner's vehicle KL-9/L 1670, which is a stage carriage, was seized, based on Ext.P2 charge memo. The allegations mentioned in Ext.P2 are the following:

(1) The vehicle was found conducting service on the route Pallipuram – Pattambi without any records in the vehicle, such as permit, insurance certificate, certificate of fitness etc.

(2) There was no evidence to show that tax for the quarter ending on 31.12.2002 was paid.

The petitioner has produced Ext.P1 photo copy of the relevant pages of the registration certificate. It would show that tax was liable to be paid at the rate applicable to an idle vehicle, for the months of November, 2002, December, 2002 and January, 2003.

2. Pursuant to the interim order of this Court, the vehicle was released on paying Rs.10,000/-, subject to making an endorsement in the registration certificate. Having regard to the nature of the allegations in Ext.P2, it is ordered that the release of the vehicle shall be treated as regular

and the entry made in the R.C shall be deleted. If the petitioner does not compound the offences alleged in Ext.P2, the competent authority will be free to proceed against the petitioner in accordance with law.

The Writ Petition is disposed of as above.

10th January, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/